IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 5839 OF 2005

IN

FIRST APPEAL NO. 2349 OF 2005

VISHWANATH M. MOULE & ANR. ..APPLICANTS

V/S

EKNATH J. JADHAV & ORS. ..RESPONDENTS

MR. V.Z. KANKARIA FOR THE APPLICANTS.

MR. K.Y. MANDLIK FOR RESP. NOS. 1 TO 14.

CORAM : S.K. SHAH, J.

DATE : 12TH APRIL, 2007.

P.C.

1. This application is for seeking injunction against the Respondents not to interfere with possession of the applicants in respect of the suit lands and for stay of the decree passed by the trial court. In reply it has been specifically mentioned that the warrant of possession has been issued. In view of this, prayer made in the application have become infructuous. The application is therefore dismissed.

2. At this stage the learned counsel for the Applicant states that the injunction should be granted against the Respondents not to create any third party interest. Learned counsel for the Respondents objects for the same saying that no such prayer has been made and also no foundation is made. Applicant will be at liberty to make proper application in that regard.

(S.K. SHAH, J.)